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TECH CENTER 1608-2340

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: BRIAN M. FENDLY, ET AL.

ART UNIT: 1608-2340

SERIAL NO.: 08/948,149

EXAMINER: SMARTZ, R.

FILING DATE: OCTOBER 9, 1997

FOR: ANTI-ERBB2 ANTIBODIES

**NOTICE OF APPEAL**

ASSISTANT COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

Applicants hereby appeal to the Board of Appeals from the decision dated **February 25, 2003**.

The items checked below are appropriate:

- ☐ A Request for Extension of Time Under 37 C.F.R. 1.136 was filed for \_\_\_ months.
- ☐ A timely response to the final rejection was filed on
- ☒ A Request for Extension of Time for filing the Notice of Appeal is attached.

Fee: ☒ \$320.00 (large entity) ☐ \$160.00 (Applicant claims small entity status.)

☒ Is enclosed.

☐ Please charge Deposit Account No. 50-1442 (an additional copy of this Notice is enclosed).

☒ Please charge any additional fees or credit any overpayment of fees required for filing the Notice of Appeal to Deposit Account No. 50-1442. A duplicate copy of this Notice is enclosed.

☒ If this Notice is not considered timely by the U.S. Patent and Trademark Office, then a request is hereby made under 37 C.F.R. 1.136, and any additional fees required for any necessary extension of time may be charged to Deposit Account No. 50-1442. A duplicate copy of this Notice is enclosed.

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July 25, 2003  
Date

Respectfully submitted,

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